IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 3568 of 2005

Between:

Naseem Sultana W/o.Late Mohd Abdul waheed
R/o.Basti No.Yellandu, Mandal Yellandu District Khammam.

..... PETITIONER

AND

1 The Principal Secretary, Revenue Government of Andhra Pradesh, Secretariat, Hyderabad.
2 The District Collector, Khammam at Khammam.
3 The Revenue Divisional Officer Kottagudem at Kottagudem, District Khammam.
4 The Mandal Revenue Officer Yellandu, Mandal Yellandu
District Khammam.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to a writ order or direction more particularly in the nature of writ of Mandamus declaring the action of the respondents to make acquire the land ie., Survey No.588/85 extent 4 Acres 24 Guntas and Survey No.588/86 extent 4 Acres 20 Guntas extent 9 Acres 28 Guntas of Village Rompad, Mandal Yellandu, District Khammam is illegal, arbitrary, malafide under Article 14,16,21,29, 300-A of the Constitution of India and Land Acquisition Act and natural justice and grant such other relief of reliefs.

Counsel for the Petitioner:MR.M.T.GHORI

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following

ORDER:

The petitioner states that her husband, late Mohd. Abdul Waheed, purchased an extent of about Ac.10.00 of land in Survey Nos.588/85 and 588/86 through separate sale deeds, dated 19.05.1964. According to her, an extent of Ac.0.32 guntas of land was already acquired by the Government under the Land Acquisition Act (for short 'the Act'). Her grievance is that the 3rd respondent is proposing to grant house site pattas over an extent of Ac.4.20 guntas out of the remaining land in Survey Nos.588/85 and 86 of Rompaid Village, Yellandu Mandal, Khammam District. She contends that the possession of her land cannot be taken without having recourse to the proceedings under the Land Acquisition Act.

Heard learned counsel for the petitioner and the learned Government Pleader for Revenue.

From a perusal of the copies of the two sale deeds filed by the petitioner, it is evident that the husband of the petitioner purchased the land in Survey Nos.588/85 and 86. It is not known as to whether the ownership in respect of the said land continued to be in favour of the family of the petitioner. However, once it is a patta land, the question of the 4th respondent granting any house sites or permitting private individuals to construct houses does not arise.

Hence, the writ petition is disposed of, directing that the respondents shall not interfere with the rights of the petitioner over the land in Survey Nos.588/85 and 86, if the land continues to be in the name of the husband of the petitioner. If the patta stands in the name of the petitioner or her husband, it shall be open to the respondents to proceed against the land, only after initiating proceedings under the Act and not otherwise. There shall be no order as to costs.

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09.03.2005

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To

1 The Principal Secretary, Revenue Government of Andhra Pradesh, Secretariat, Hyderabad.
2 The District Collector, Khammam at Khammam.

3 The Revenue Divisional Officer Kottagudem at Kottagudem, District Khammam.
4 The Mandal Revenue Officer Yellandu, Mandal Yellandu
District Khammam.

5 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT).

6 Two CD copies.